

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3124

IN THE MATTER OF:

Served February 11, 1988

COTTER LIMOUSINE OF WASHINGTON,)
INC., Suspension and Investigation)
of Revocation of Certificate of)
Public Convenience and Necessity)
No. 69)

Case No. MP-87-22

By Order No. 3093, served November 16, 1987, and incorporated herein by reference, Cotter's Certificate of Public Convenience and Necessity No. 69 was suspended. This proceeding was instituted pursuant to the Compact, Title II, Article XII, Section 4(g) to determine whether Certificate No. 69 should be revoked. Cotter was directed within 30 days to comply with Title II, Article XII, Section 9(a) of the Compact and Commission Regulation No. 62. Cotter was further directed to file within the same 30-day period an appropriate certificate of insurance or other evidence to show good cause why Certificate of Public Convenience and Necessity No. 69 should not be revoked.

The time for submitting a new certificate of insurance or other pertinent evidence elapsed on December 16, 1987, without a filing of any type by Cotter. Thus, pursuant to the authority of Title II, Article XII, Section 4(g) of the Compact, Certificate of Public Convenience and Necessity No. 69 was revoked by Order No. 3110, served December 29, 1987, for failure to comply with both a lawful order and regulation of the Commission.

On January 28, 1988, counsel for Cotter filed a motion pursuant to Commission Rule No. 15 seeking reinstatement of Certificate No. 69. The motion recounts that during the time this matter was under investigation by the Commission, the insurance on the two vehicles at issue herein failed to receive proper attention due to a transition of ownership and management personnel. Respondent Cotter further states that it complied with the suspension order and that appropriate evidence of insurance has been submitted.

Cotter's motion, filed prior to the closing of the record in this case, seeks equitable relief based upon its explanation concerning a change of ownership resulting in a change of management personnel responsible for the insurance filing which occurred just as the current certificate was lapsing. Cotter maintains that the vehicles have not

been operated since that lapse and that it complied with the suspension effected by Order No. 3110. Finally, an appropriate insurance certificate has been filed.

For good cause shown, we will grant Cotter's motion and reinstate Certificate of Public Convenience and Necessity No. 69. The company's new management is admonished to familiarize itself with the requirements of the Compact and the Commission's rules, regulations and orders issued thereunder.

On January 28, 1988, Cotter also filed an application for reconsideration of Order No. 3110. In that application Cotter requested that first consideration be given to the motion discussed above, asserting that if the motion were granted, the application for reconsideration would be moot and would be withdrawn. The application for reconsideration is moot and we will dismiss it.

THEREFORE, IT IS ORDERED:

1. That the motion for extraordinary relief filed by Cotter Limousine of Washington, Inc., on January 28, 1988, is hereby granted.
2. That the application for reconsideration filed by Cotter Limousine of Washington, Inc., on January 28, 1988, is hereby dismissed as moot.
3. That Certificate of Public Convenience and Necessity No. 69 of Cotter Limousine of Washington, Inc., is hereby reinstated as of the date of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director